



NEWS

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CORRECTION

The weekly summary for December 9, 2002, contained errors for the following case. The corrected summary is the following:

#02-199 People v. Wilkinson, S111028. (B145982, B154520; 102 Cal.App.4th 72.) Petition for review after the Court of Appeal reversed in part and vacated with directions in part a judgment of conviction of criminal offenses, and issued an order to show cause returnable before the trial court on a petition for writ of habeas corpus. This case presents the following issues: (1) Does the statutory scheme permitting battery on a custodial officer to be charged as a straight felony, a straight misdemeanor, or a felony/misdemeanor “wobbler” (see Pen. Code, §§ 243, 243.1) violate equal protection? (2) Was defendant entitled to a Kelly/Frye hearing (see People v. Kelly (1976) 17 Cal.3d 24; Frye v. United States (D.C. Cir. 1923) 293 F. 1013) regarding the

admissibility of evidence of results of a polygraph examination, or is such evidence admissible only pursuant to a stipulation of the parties under Evidence Code section 351.1?

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(over)